

Remarks

Claims 1-4 and 6-15 are pending. With this Response to the Restriction Requirement, claims 14 and 15 are amended. Upon entry of these amendments, claims 1-4 and 6-15 remain pending.

Claim 14 is amended to properly further define the "metal colloid" recited in claim 1, and therefore does not present new matter.

Claim 15 is amended to correct claim dependency.

Election/Restrictions

According to the Office Action:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-4, 6-12, drawn to a process of molding, classified in class 264, subclass 211.

II. Claims 13-14, drawn to a plastic material having an anti-microbial component, classified in class 424, subclass 405.

III. Claim 15, drawn to a catheter, classified in class 604, subclass 19+.

Applicants hereby elect Group I, claims 1-4 and 6-12, with traverse.

According to the Office Action, groups I and II are distinct and groups I and III are distinct because:

In the instant case, the product as claimed can be made by another and materially different process such as one that treats a polymer; rather than a precursor with a metal colloid. (underlining added).

Applicants respectfully traverse restriction between these groups because a "precursor," as claimed, includes polymer material. See, for example, dependent claim 2 further defining the "precursor" recited in claim 1 as "one or several polymer materials" (underlining added). See also, for example, the specification at page 2, lines 14, 15, 29,

and 30 describing the precursor to include polymer material. Therefore, the Office Action's reasoning fails to support the restriction of groups I and II and I and III and, therefore, such restriction is not proper.

Accordingly, Applicants respectfully request that the restriction between groups I and II and between groups I and III be withdrawn.

With regard to groups II and III, the Office Action concludes that these two groups are distinct based on reasoning that begins with the assertion that groups II and III "are related as mutually exclusive species in an intermediate-final product relationship" (underlining added).

Applicants respectfully traverse the basis of this restriction because claims 13 and 15 both relate to molded plastic bodies made by the process recited in claim 1. More specifically, claim 13 relates to a "plastic body" made by the "process for preparing an antimicrobial plastic body" recited in claim 1. Claim 15 is amended to properly depend from claim 13 and further defines the "plastic body" recited in claim 13 specifically "in the form of a catheter." Thus, claims 13 and 15 both relate to molded plastic bodies and are not related in an intermediate-final product relationship. Therefore, the Office Action's reasoning fails to support the restriction between groups II and III and, therefore, such restriction is not proper.

Accordingly, Applicants respectfully request that the restriction of groups II and III be withdrawn.

Certified Copy of Priority Document

The above-identified patent application claims priority from PCT/DE00/02493 which was filed on July 28, 2000, and having a PCT publication number WO 01/09229, and also claims priority from DE 199 36 059.6, which was filed on July 30, 1999.

According to the Office Action, a certified copy of the priority document has not been received.

Accordingly, enclosed herewith please find a certified copy of the priority document German Application DE 19936 059.6.

Conclusion

In view of the above election and remarks, it is respectfully submitted that the foregoing is fully responsive to the outstanding Restriction Requirement, and further that the present application is now in condition for allowance. Approval of the application and allowance of the claims is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9831.

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By:

Respectfully Submitted,



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